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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,149	09/22/2003	Tomoaki Takahashi	Q77106	5778
23373	7590	09/15/2005		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HUFFMAN, JULIAN D	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,149	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	Julian D. Huffman	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,38,41,42,44,45,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,38,41,42,44,45,47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/768,811.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 47 and 48 are objected to because of the following informalities:

In claims 47 and 48, "recoding" is mistyped.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 38, 41, 42, 47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi.

Takahashi discloses an inkjet recording apparatus comprising:

a recording head provided with a pressure generating element (fig. 7a);

a scanning mechanism for moving the recording head in a main scanning direction (column 2, lines 40-41);

a data developer for developing print data into multi-bit jetting data (print data is developed into multi-bit jetting data by a program running in CPU 210);

a drive signal generator for generating a drive signal including a plurality of drive pulses, on every unit print cycle (220, 222);

a translator for translating the multi bit jetting data into pulse select information associated with the respective drive pulses (element 210, column 7, lines 35-44, CPU is programmed to access RAM and retrieve drive waveforms based on the multi bit jetting data);

a drive pulse supplier for selectively supplying at least one of the drive pulses to the pressure generating element in accordance with the pulse select information to drive the pressure generating element (187, 188);

a basic recording mode for recording a dot having a size which is selected from one of a plurality of sizes, in a basic unit pixel which is associated with a unit recording area corresponding to the unit print cycle (column 9, lines 61-64, the dot size recorded on the page is capable of being adjusted by adjusting the number of ink droplets fired to form different gradation levels);

a high-resolution recording mode for recording a dot in a fine unit pixel, a plurality of fine unit pixels being arranged within the unit recording area in the main scanning direction (figs. 5a, 5b, since the high resolution recording mode prints at 720dpi and the basic mode prints at 360dpi, the high resolution mode is capable of printing two droplets of ink in a basic unit recording area);

a mode selector for selecting one of plural recording modes, in accordance with the print data, including the basic recording mode and the high-resolution recording mode (element 210, column 7, lines 39-42);

wherein the number of gradation levels that can be recorded in the basic recording mode is larger than the number of gradation levels that can be recorded in the high-resolution recording mode (fig. 6, column 9, lines 61-63);

wherein the data developer develops the print data into the jetting data so as to indicate the size of the dot to be recorded in the basic unit pixel when the mode selector selects the basic recording mode, such that bits therein indicate the size of the dot to be recorded (the data developer receives bit data which indicates the drop size and selects drive waveforms which print a dot of the specified size);

wherein the data developer develops the print data into jetting data such that each bit therein indicates whether recording is conducted or not in each associated fine unit pixel, when the mode selector selects the high-resolution recording mode (the data developer receives bit data which indicates which drops are fired); and

wherein either one of the recording on the basic unit pixel and the recording on the fine unit pixel is performed by a single movement of the recording head in the main scanning direction (column 2, lines 40-41);

wherein the translator is provided with waveform select tables associated with the respective recording modes (column 7, lines 35-44, ROM stores drive waveforms for each resolution mode);

wherein each waveform select table defines a correspondence between the jetting data and the pulse select information in the associated recording mode; and

wherein the translator translates the jetting data into the pulse select information with reference to the waveform select table of the recording mode selected by the mode

selector (column 7, lines 35-44, translator retrieves drive waveform for the recording mode specified); and

wherein the drive signal is commonly used in the respective recording modes (figs. 5A, 5B, drive signals 1T and .5T are each commonly used in the different recording modes).

In Takahashi print data is expressed as bit data, specifically, bits indicate if recording is performed at each pixel location, and also the drop size for each pixel location. Further, as the CPU is a processor, it must manipulate a computer program which would be expressed in bit data, and translate the bit data into analog pulses through the ROM, which are then supplied to the piezoelectric ejectors.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Murayama et al. (6,130,700)

Takahashi does not disclose a rewritable table.

However, Murayama et al. discloses a rewritable table (column 11, lines 3-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the table of Kubota as modified so as to be rewritable. The reason for performing the modification would have been to enabling the table to be initially set at time of manufacture/shipping and to further enable the table to be updated at a future date by a user.

6. Claims 6-8, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Kubo (U.S. 6,257,688).

Takahashi discloses pulses of different widths and a carriage.

Takahashi does not disclose pulses of an identical profile spaced at constant intervals, such that every droplet ejected from the head has the same volume irrespective of the recording mode selected by the mode selector. Takahashi also does not disclose a trigger for starting a print cycle derived from a scanning mechanism.

Kubo discloses that pulse width modulation and pulse number modulation (adjusting the width of the driving pulse or the number of identical driving pulses to control drop size) are equivalent structures in the art (column 8, lines 10-15).

In pulse number modulation, a series of identically spaced pulses are sent to the ejector. Each pulse ejects a droplet of ink. The droplets of ink merge on the paper to produce a pixel with a volume/size determined by the number of droplets ejected to form the pixel (column 3, lines 12-23).

Kubo also discloses a carriage with an encoder for triggering the start of a print cycle (column 5, lines 60-65).

It would have been obvious to one having ordinary skill in the art at the time of the invention to replace the pulse width modulation with the pulse number modulation and provide an encoder with the carriage, as taught by Kubo into Takahashi, for the purpose of providing more consistent print results by ejecting droplets of the same size, since different size droplets in flight have different velocities and are affected differently as they travel through the air, and, through the use of the encoder, enabling proper positioning of droplets on the recording medium.

Response to Arguments

7. Applicant's arguments filed July 1 2005 have been fully considered but they are not persuasive.

Applicant argues, regarding claims 1-3, 5, 38 and 40, that Takahashi does not disclose the limitations of "a translator for translating the multi-bit jetting data into pulse select information associated with respective drive pulses" and "a drive pulse supplier selectively supplying at least one of the drive pulses to the pressure generating element in accordance with the pulse select information to drive the pressure generating element". Applicant further states that Takahashi selects a drive signal waveform with a fixed number of drive pulses, and does not select a drive pulse, and therefore does not teach the claimed translator and drive pulse supplier.

This argument is noted, however, it is not deemed persuasive since the translator selects from the drive waveform storage area 214B drive pulse patterns in accordance

with the print data; selection of a drive waveform implicitly involves selection of the drive pulses which form the drive waveform.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., variable drive pulses) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's argument that Takahashi does not disclose that the jetting data indicates "the size of the dot to be recorded in the basic unit pixel when the mode selector selects the basic recording mode" is noted. However, this argument is not deemed persuasive. The jetting data is used to select a drive waveform. The jetting data includes information which is used to select a specific drive waveform to be applied. Each drive waveform produces a dot of a specific size. Thus, necessarily, the jetting data indicates the size of the dot to be recorded since it provides an indication used to select a drive waveform which produces a dot of a specific size.

Applicant's argument regarding claim 38, that Takahashi fails to teach the limitation of "wherein the number of gradation levels that can be recorded in the basic recording mode is larger than the number of gradation levels that can be recorded in the high-resolution mode", is noted. However, the claim language merely requires the ability to produce a larger number of gradation levels and Takahashi is capable of such

since the basic recording mode may eject practically any number of droplets to form a thicker image.

In response to applicant's arguments against the Takahashi and Kubo references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

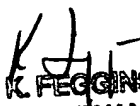
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 9:30a.m.-6:00p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Julian D. Huffman
6 September 2005

 9/05
K. FEGGINS
PRIMARY EXAMINER